

### **REMARKS**

This response is a full and complete response to the Office Action mailed June 29, 2006. In the present Office Action, the Examiner has noted that claims 1-4, 6-15, 25-28, 30-33, 37-39, 42, 43, 45, 49-53 and 56-94 are pending in the above-referenced patent application and that all the claims stand rejected under 35 U.S.C. §103.

In view of the following remarks, it is submitted that the claims pending in the application are nonobvious. It is believed that this application is in condition for allowance.

### **EXAMINER INTERVIEW**

Assignee's representative wishes to thank the Examiner for the courtesies extended during a telephone interview on October 4, 2006. The subject matter discussed during that interview focused on claim 1, but covered all the independent claims. Selection of one or more base stations to handle the dedicated channels separately from the broadcast channels handled by the host base station was discussed.

It is understood that the Examiner will refine the search of the prior art. No other conclusion was reached at that time.

### **REJECTION UNDER 35 U.S.C. §103**

Claims 1-4, 8-15, 25-27, 30-33, 37-38, 42, 43, 46, 49-52 and 56-94 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent 6,212,387 to McLaughlin et al. (hereinafter referenced as "McLaughlin") in view of U.S. Patent 5,715,516 to Howard et al. (hereinafter referenced as "Howard"). This rejection is respectfully traversed.

Claim 1 calls for:

*A communication system for communication using wireless signals including down-link signals to and up-link signals from mobile stations, the system comprising,*

*a plurality of transceiver stations having broadcast channels and dedicated channels carried by said wireless signals,*

*measurement means to form measurements of said wireless signals, and zone manager means including,*

*processor means to process said measurements to determine preferred ones of said transceiver stations for particular dedicated channels for a particular mobile station, and*

*control means to dynamically select said preferred ones of said transceiver stations to provide said particular dedicated channels for said particular mobile station separately from one of said transceiver stations*

***providing particular broadcast channels for said particular mobile station.***  
*[Emphasis supplied].*

With respect to the wireless signals and the channels thereon, it should be recalled from the claim above that the wireless signals are defined to be both uplink and downlink and are further defined to carry broadcast channels and dedicated channels for the transceivers.

McLaughlin appears to show a wireless system in which macro-diverse collector arrays intercept reverse channel communications from cellular users and forward the reverse channel communications back to an aggregator at a zone manager. The collectors also provide a power measurement of the reverse channel communications.

Howard appears to show a wireless system, similar to McLaughlin, in which macro-diverse collectors intercept reverse channel communications from cellular users and forward the reverse channel communications back to an aggregator at the zone manager. Howard also appears to measure signal strength in order to determine an optimal set of collectors retransmitting back to the aggregator.

But the combination of McLaughlin and Howard still lacks the limitations defined in the present claims. The combined references are focused solely on collecting up-link communications, aggregating those communications from cellular users, and optimizing the total number of collectors that should be used based on some measurements. In the combined references, there is no mention or remote suggestion of having *certain transceivers selected to communicate dedicated channels with the user while having a host transceiver, different from the selected transceivers, communicate the broadcast channels with the user.*

In the present application as shown in the claim above, certain transceiver stations are dynamically selected for communicating dedicated channels, in both uplink and downlink signals, with a cellular user while a different transceiver station communicates broadcast channels, in both uplink and downlink signals, with that cellular user. In other words, transceivers handle uplink and downlink wireless signal communication with a cellular user, wherein one transceiver known as a host handles broadcast channels and one or more transceivers, other than the one host transceiver, handle dedicated channels. The latter transceivers are dynamically selected on the basis of measurements formed by the measurement means.

In light of the remarks above, it is submitted that the combined references of McLaughlin and Howard do not teach, show, or suggest the limitations in claim 1. Hence, it is submitted that claim 1 would not have been obvious to a person skilled in the art upon a reading of McLaughlin and Howard, separately or in combination. Therefore, it is believed that claim 1 is allowable under 35 U.S.C. 103.

Since independent claims 50, 57, 65, 74, 85 and 92 have limitations substantially similar to those discussed above with respect to claim 1, for the reasons presented above, it is submitted that claims 50, 57, 65, 74, 85 and 92 would not have been obvious to a person skilled in the art upon a reading of McLaughlin and Howard, separately or in combination. Therefore, it is believed that claims 50, 57, 65, 74, 85 and 92 are allowable under 35 U.S.C. 103.

Claims 2-4, 8-15, 25-27, 30-33, 37-38, 42-43, 46, and 49 depend from claim 1; claims 51-52 depend from claim 50; claims 58-64 depend from claim 57; claims 66-73 depend from claim 65; claims 75-84 depend from claim 74; claims 86-91 depend from claim 85; and claims 93-94 depend from claim 92. Since the independent claims 1, 50, 57, 65, 74, 85 and 92 are believed to be allowable, it is submitted for the reasons given above that dependent claims 2-4, 8-15, 25-27, 30-33, 37-38, 42-43, 46, 49, 51-52, 58-64, 66-73, 75-84, 86-91, and 93-94 are also allowable under 35 U.S.C. 103.

Claims 6-7, 18-19, and 53-56 stand rejected under 35 U.S.C. §103 as being unpatentable over McLaughlin and Howard further in view of U.S. Patent 6,070,071 to Chavez et al. (hereinafter referenced as "Chavez"). Claims 6-7 and 18-19 depend from claim 1 whereas claims 53-56 depend from claim 50. This rejection is respectfully traversed.

Chavez has been added to the combination to introduce information about the change time noted in the rejected claims. But Chavez includes no teaching or suggestion to remedy the failures in the combination of McLaughlin and Howard as discussed above. As a result, it is submitted that the combination of McLaughlin, Howard, and Chavez fails to teach, show, or suggest all the limitations set forth in the rejected claims and their independent base claims. Therefore, it is believed that claims 6-7, 18-19, and 53-56 are allowable under 35 U.S.C. 103.

Claims 12, 28, and 39 stand rejected under 35 U.S.C. §103 as being unpatentable over McLaughlin and Howard further in view of U.S. Patent 6,175,737 to Kao et al. (hereinafter

referenced as "Kao"). Claims 12, 28, and 39 depend ultimately from claim 1. This rejection is respectfully traversed.

Kao has been added to the combination to introduce information about a controller link noted in the rejected claims. But Kao includes no teaching or suggestion to remedy the failures in the combination of McLaughlin and Howard as discussed above. As a result, it is submitted that the combination of McLaughlin, Howard, and Kao fails to teach, show, or suggest all the limitations set forth in the rejected claims and their independent base claims. Therefore, it is believed that claims 12, 28, and 39 are allowable under 35 U.S.C. 103.

Claim 45 stands rejected under 35 U.S.C. §103 as being unpatentable over McLaughlin and Howard further in view of U.S. Patent 5,661,723 to Ueno et al. (hereinafter referenced as "Ueno"). Claim 45 depends ultimately from claim 1. This rejection is respectfully traversed.

Ueno has been added to the combination to introduce information about various types of processor information noted in the rejected claim. But Ueno includes no teaching or suggestion to remedy the failures in the combination of McLaughlin and Howard as discussed above. As a result, it is submitted that the combination of McLaughlin, Howard, and Ueno fails to teach, show, or suggest all the limitations set forth in the rejected claim and the independent base claim. Therefore, it is believed that claim 45 is allowable under 35 U.S.C. 103.

### **CONCLUSION**

In view of the amendments and remarks above, Assignee submits that this application is in condition for allowance. Reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Gregory C. Ranieri, Esq. at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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